

REMARKS

The Applicant has carefully considered the Official Action mailed February 12, 2004, and in response to the objections raised by the Examiner, the pending claims have either been canceled or substantially amended. As now presented, the Applicant believes that the newly amended claims are all in condition for allowance, along with the claims which the Examiner has indicated are allowed.

In the foregoing Amendment, Claim 1 has been canceled, along with Claims 7, 8, and 18-24. In addition, dependent Claims 2-6 have been amended to be dependent upon revised independent Claim 13. For the reasons detailed below, the Applicant believes that amended Claim 13, along with the claims dependent thereon, are all now in condition for allowance, along with the allowed claims.

As now presented, Claim 13 has been amended to specifically define a uniquely constructed delivery system for enabling medicinal compositions to be dispensed directly to an internal site in the human body. In this regard, Claim 13 specifically defines the uniquely constructed delivery system and the uniquely formulated medicinal composition.

Claim 13 has been amended to define the medicinal composition as previously stated, along with the addition of at least one therapeutic agent selected from the group consisting of silver nitrate solutions, silver nanocrystals and equivalent compounds. Furthermore, the container forming a part of the delivery system, which was previously

defined as comprising a thin-walled, flexible construction, is now specifically defined as comprising a delivery nozzle or cannula mounted to the closure means which comprises an elongated tube portion, as previously defined, which also incorporates an elongated delivery channel formed by the internal diameter of the tube portion, with the internal diameter being constructed for controlling the delivery pressure produced by squeezing the thin walled, flexible container.

It is the Applicant's belief that this unique combination of features is not in any way taught or suggested in the references cited and relied upon by the Examiner. Although various elements of the composition and container may be found in the prior art references, these references fail to teach or suggest the unique combination of elements specifically detailed in amended Claim 13. One such feature is the internal diameter of the tube portion.

Furthermore, due to the unique interaction of the components forming the chemical formulation defined in Claim 13 for the medicinal composition, and the combination of this formulation with the unique features forming the container and the delivery system achieved thereby, the citation of selected, specific elements from prior art references, cannot be sustained. Clearly, an argument that the elements found in the prior art can be combined must fail, since the cited references do not suggest the combination being proposed by the Examiner.

The law is well established that any claim, rejected as being obvious by employing a combination of prior art patents, must clearly demonstrate a teaching or

suggestion in the references that the proposed combination is possible and attainable. When references contain no such teaching or suggestion, the references merely provide one of ordinary skill in the art with the possibility that extensive experimentation and trial and error must be pursued before the unique combination defined in the claims are attained.

The Applicant believes that such is the case for amended Claim 13, and that the references cited by the Examiner are incapable of providing one of ordinary skill in the art with a clear and unequivocal teaching or suggestion that the references can be combined in the manner suggested by the Examiner. As result, the Applicant believes that Claim 13, as now amended, is in condition for allowance.

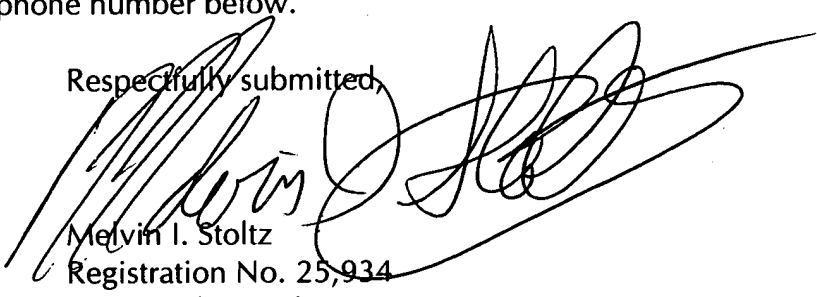
Claims 2-6 and 14 are dependent upon amended Claim 13 and add novel combinations thereto. For this reason, along with the reasons detailed above in reference to Claim 13, the Applicant believes that Claims 2-6 and 14 are also in condition for allowance.

The Applicant has noted with appreciation that Claims 9-12, 16, and 17 have been allowed. As a result, based upon the foregoing Amendment and the arguments presented herein, the Applicant believes that Claims 2-6, and 13-14 are also in condition for allowance, and an early notice of allowability of all of these claims is earnestly solicited.

If any questions remain which may be resolved by a telephone interview, Applicant's undersigned Attorney would be glad to discuss any such issues with the

Examiner at the Examiner's convenience. For this reason, Applicant's undersigned Attorney has provided his telephone number below.

Respectfully submitted,


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